



11 DEC 2007

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In re Application of :  
TORMO I BLASCO et al. :  
Application No. 10/580,416 :  
PCT No.: PCT/EP04/14328 :  
Int. Filing Date: 16 December 2004 : COMMUNICATION  
Priority Date: 18 December 2003 :  
Att. Docket No.: 5000-0170PUS1 :  
For: 6-(2-Halophenyl) Triazolopyrimidines, :  
Their Preparation And Their Use For :  
Controlling Harmful Fungi, And Compo... :

This is in response to the "Request For Corrected Notice Of Acceptance" filed on 11 January 2007.

### **BACKGROUND**

This international application was filed on 16 December 2004, claimed an earliest priority date of 18 December 2003, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 30 June 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 June 2006 (since 18 June 2006 was a Sunday). Applicants filed, *inter alia*, the basic national fee on 23 May 2006.

On 28 December 2006, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, reflecting a date under 35 U.S.C. 371(c)(1), (2) and (4) of 23 May 2006, and a "Date of Completion of All 35 U.S.C. 371 Requirements" of 18 June 2006.

### **DISCUSSION**

Applicants request issuance of a Notice of Acceptance revised so as to show a "Date of Completion of All 35 U.S.C. 371 Requirements" of – May 23, 2006 –.

35 U.S.C. provides in part that

(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2), or under article 39 (1)(a) of the treaty.

(f) At the express request of the applicant, the national stage of processing may be commenced at any time at which the application is in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with.

Review of the electronic application file reveals that applicants do not appear to have made an "express request" under 35 U.S.C. 371(f). It is observed that the check box provided for this purpose on the Transmittal Letter (Form PTO-1390) was not checked. Therefore, the date of commencement of the national stage (i.e., the "Date of Completion of All 35 U.S.C. 371 Requirements") was the date of the expiration of the applicable time limit under article 22(1) or (2), or under article 39(1)(a) of the treaty - that is, 18 June 2006. As such, the Notice of Acceptance mailed on 28 December 2006 was not in error.

**CONCLUSION**

Applicants' request is **REFUSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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